

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

LAURA NEAL, *individually and on behalf of,*
LAKEN NEAL

VS.

WAL-MART LOUISIANA, LLC

CIVIL ACTION NO. 07-2097

JUDGE HAIK

MAGISTRATE JUDGE METHVIN

JURISDICTIONAL AMOUNT REVIEW

This diversity case was removed from a local state court pursuant to 28 U.S.C. § 1332.

As required by a standing order of this court, the undersigned has reviewed the record to determine whether the required jurisdictional amount has been established.

Plaintiffs allege that they were injured while driving in Laura Neal's vehicle in a Wal-Mart Store parking lot when their vehicle collided with a power equipment vehicle owned by Wal-Mart and operated by its employee. Plaintiffs claim the accident was due to the employee's negligence. Laura Neal is claiming damages for past, present, and future physical pain and suffering, mental anguish, and medical expenses as well as property damage to her vehicle. Plaintiff's minor daughter, Laken, is claiming damages for past, present, and future physical pain and suffering, mental anguish, and medical expenses. Wal-Mart submits plaintiff's responses to interrogatories stating that Laken's treating physician has opined that she has a neurological injury to her left shoulder. Plaintiff's responses also show that Dr. Foster's IME report indicates she may have suffered a neurological injury causing the problems to her left shoulder. Dr. Cobb has performed two surgical procedures on Laken's shoulder. Further, plaintiff admits in her responses to defendant's second set of interrogatories that Laken's damages exceed \$75,000.

Plaintiff did not state that the damages were insufficient for federal court jurisdiction.

See La. Civ. Code Art. 893 (requiring an allegation regarding the amount of damages when necessary to establish the “. . . lack of jurisdiction of federal courts due to insufficiency of damages . . .”).

Considering the foregoing, the undersigned concludes that the required jurisdictional amount has been established, and no further briefing is required.

Signed at Lafayette, Louisiana, on January 11, 2008.



Mildred E. Methvin
United States Magistrate Judge
800 Lafayette St., Suite 3500
Lafayette, Louisiana 70501
(337) 593-5140 (phone) 593-5155 (fax)